

Ways to Resolve Differences After a Hearing Request

Effective July 1, 2005

If a parent requests a hearing, the Individuals with Disabilities Education Act (IDEA) of 2004 requires the offer of two opportunities to resolve concerns. These options are available to provide an opportunity for the parties to resolve differences on their own as opposed to having decisions made by an administrative law judge in a formal hearing.

- (1) The Iowa Department of Education offers all parties a chance to hold a mediation with a neutral mediator; and
- (2) The district and AEA offer to convene a Resolution Session—a meeting—with the parents.

What is the difference between the two? Which option should be used? Does one of the two options have to be used?

Question	Resolution Session	Mediation
Are these two options new?	Yes, this is the first time the U.S. Congress requires a Resolution Session be offered by the district and AEA.	No, this option was first required in IDEA 1997. However, Iowa has had a long history of offering mediations and it was the third state in the nation to do so. Also, Iowa offered a preappeal conference option since 1987. This was a mediation without requesting a hearing.
Who is required to be in attendance?	The parents and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the complaint. (Attendees from the district and AEA must have the authority to bind the agency represented.)	The parent and a representative of the agency who has the authority to bind the district and AEA. However, additional people will be in attendance as a general rule.
When will the option be held?	Within 15 days of receiving notice of the parents' request for a hearing.	The hearing date will be established via a conference call with all parties and the assigned administrative law judge. Then the mediator will assist all parties establishing the mediation date prior to the hearing date.
Where will it be held?	In a location that is convenient to the parties in the dispute.	In a location that is convenient to the parties in the dispute.
May an attorney for either party be in attendance?	The district or AEA may not include an attorney unless an attorney accompanies the parent. The parent will need to provide documentation of his/her intentions.	Yes.
Am I required to select one option?	No. The process is voluntary but the option is required to be offered.	No. The process is voluntary but the option is required to be offered.
What if I don't want to participate?	The parents and the district and AEA must agree in writing to waive this meeting. Such documentation must be on file with the department.	The Department of Education will arrange a telephone conference call with all parties and the mediator. The mediator will specifically ask each party

		whether participation in mediation is desired.
Does the law require a written legally binding agreement if an agreement is reached?	Yes. This is new in IDEA 2004.	Yes. This is new in IDEA 2004.
Is it enforceable in any State court of competent jurisdiction or in a district court of the U. S.?	Yes. This is new in IDEA 2004.	Yes. This is new in IDEA 2004.
Who has to sign the agreement to make it legally binding?	Signed by both the parent and a representative from both the AEA and district with authority to bind such agency.	Signed by both the parent and a representative of the AEA and district with the authority to bind such agency.
What if I sign an agreement, then want to change my mind and not consider it to be legally binding?	If the parties execute an agreement, a party may void such agreement within 3 business days of the agreement's execution. The 3-day timeline will commence according to the latest date on the signature agreement page.	If it is signed, it will be considered legally binding.
What if we try to resolve the differences between parties but are unable to do so?	If the district and LEA cannot resolve the differences to the satisfaction of the parents within 30 days of receipt of the hearing request the hearing may occur, and all of the applicable timelines shall commence.	If a mediation agreement is not reached, the hearing will proceed on the already agreed upon date.

If you still are having difficulty deciding on the process to use, you are encouraged to contact any of the resources listed in the parental rights document, such as the Parent Coordinator with the Parent-Educator Connection, the Parent Training and Information Center, and Iowa Protection and Advocacy, Inc. In addition, the Iowa Department of Education can be contacted.

AEA 1	Phone: 1-800-632-5918 or 563-245-1480	Fax: 563-245-1484		
AEA 4	Phone: 1-800-572-5073 or 712-722-4378	Fax: 712-722-1643		
AEA 267	Phone: 1-800-542-8375 or 319-273-8250	Fax: 319-273-8275		
AEA 8	Phone: 1-800-669-2325 or 515-574-5400	Fax: 515-574-5508		
AEA 9	Phone: 1-800-947-2329 or 563-359-1371	Fax: 563-359-5967		
AEA 10	Phone: 1-800-332-8488 or 319-399-6700	Fax: 319-399-6457		
AEA 11	Phone: 1-800-362-2720 or 515-270-9030	Fax: 515-270-5383		
AEA 12	Phone: 1-800-352-9040 or 712-274-6000	Fax: 712-274-6115		
AEA 13	Phone: 1-800-432-5804 or 712-366-0503	Fax: 712-366-3431		
AEA 14	Phone: 1-800-362-1864 or 641-782-8443	Fax: 641-782-4298		
AEA 15	Phone: 1-800-622-0027 or 641-682-8591	Fax: 641-682-9083		
AEA 16	Phone: 1-800-382-8970 or 319-753-6561	Fax: 319-753-1527		
<i>The Iowa Parent Training and Information Center</i>	321 East 6 th Street Des Moines, Iowa 50309	Phone: 1-800-450-8667 or 515-243-1713	Fax: 515-243-1902	info@askresource.org
<i>Iowa Protection and Advocacy, Inc.</i>	950 Office Park Road, Suite 221 West Des Moines, Iowa 50265	Phone: 1-800-779-2502 or 515-278-2502 515-278-0571 (TDD)	Fax: 515-278-0539	info@ipna.org
<i>Iowa Department of Education, Bureau of Children, Family and Community Services</i>	Grimes State Office Building Des Moines, Iowa 50319	Phone: 515-281-7144	Fax: 515-242-6019	Julie.Carmer@iowa.gov